

Senate Bill No. 259

CHAPTER 3

An act to amend Sections 32553, 32555, 32556, 32565, 32565.5, 32567, 32568, 32569, 32570, and 32571 of, and to repeal Section 32574.5 of, the Public Resources Code, relating to the Baldwin Hills Conservancy.

[Approved by Governor January 23, 2002. Filed with Secretary of State January 24, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

SB 259, Murray. Baldwin Hills Conservancy.

Existing law establishes the Baldwin Hills Conservancy and prescribes the functions and duties of the conservancy. Existing law prescribes the territory under the jurisdiction of the conservancy, and defines the "Baldwin Hills area" as the land area currently within the Kenneth Hahn State Recreation Area, the Baldwin Hills community, the surrounding property bordered on the south by Slauson Avenue, and on the east by La Brea Avenue, and including a spur of land extending from Stocker Street to an area between La Brea Avenue and Crenshaw Boulevard, and including Ballona Creek and adjacent property within $\frac{1}{4}$ mile of Ballona Creek on either side, from the Santa Monica Freeway (Interstate 10) to the Marina Freeway (Interstate 90).

This bill would revise that definition of the "Baldwin Hills area" to include areas designated on a specified map detailing the boundaries of the Baldwin Hills area, and property adjacent to Ballona Creek within 50 yards of Ballona Creek on either side from the Santa Monica Freeway (Interstate 10) to the Marina Freeway (Interstate 90).

Existing law requires that the governing board of the conservancy consist of 9 voting members, including, among other members, 3 members of the public appointed by the Governor who are residents of Los Angeles County selected from a list of prominent members of the community who shall represent the diversity of the surrounding community.

This bill would increase to 13 the number of voting members of the board, and would require that 6 members of the public who are residents of Los Angeles County and represent the diversity of the surrounding community be appointed by the Governor. The bill would require that of those 6 members, one member shall represent Culver City, and 3 members shall be residents of specified communities and members of homeowner groups within those communities. The bill would also

include, among the voting members of the board, the Members of the Los Angeles County Board of Supervisors within whose district the majority of the Baldwin Hills area is located. The bill would also require the board to perform a study of the potential environmental and recreational uses of Ballona Creek and the adjacent property, as specified, develop a proposed map for that area, and provide a report to the Legislature on those activities by January 1, 2003.

Existing law requires the conservancy to review and approve any operating agreement or amendments to an existing operating agreement between the Department of Parks and Recreation and any local operating agency, including the County of Los Angeles, for the Kenneth Hahn State Recreation Area, and specifies that any proposed operating agreement or an amendment to an agreement shall not be effective unless the conservancy provides written approval of the proposed agreement.

This bill would delete those provisions pertaining to operating agreements or amendments to operating agreements and would require that any proposed operating agreement, or amendment to an agreement, for the Kenneth Hahn State Recreation Area to be submitted to the conservancy at least 90 days prior to the proposed effective date of the agreement to enable the conservancy to provide input, as appropriate.

Existing law requires the conservancy to approve changes to the current agreement for the operation of the Kenneth Hahn State Recreation Area that may be proposed for adoption by the Department of Parks and Recreation.

This bill would eliminate that requirement.

This bill would prohibit the conservancy from extending, under any circumstances, the road designated as “Stocker Street” to Overland Avenue or to any street within the boundaries of Culver City without the prior written approval of the City Council of Culver City.

The people of the State of California do enact as follows:

SECTION 1. Section 32553 of the Public Resources Code is amended to read:

32553. As used in this division, the following terms have the following meaning:

(a) “Baldwin Hills area” means the land area currently within the Kenneth Hahn State Recreation Area, the Baldwin Hills community, the surrounding property bordered on the south by Slauson Avenue, and on the east by La Brea Avenue, including the approximately 21 acres of land zoned RE40 and bordered by La Brea Avenue on the east, Don Alberto Place to the south, and Don Ricardo Drive on the north, and including a spur of land extending from Stocker Street to an area between La Brea



Avenue and Crenshaw Boulevard, as designated on the Baldwin Hills Conservancy Map, dated March 1, 2001. “Baldwin Hills area” also includes Ballona Creek and adjacent property within 50 yards of Ballona Creek on either side, from the Santa Monica Freeway (Interstate 10) to the Marina Freeway (Interstate 90). Ballona Creek is included in the Baldwin Hills area for purposes of connectivity.

(b) “Board” means the governing board of the Baldwin Hills Conservancy.

(c) “Conservancy” means the Baldwin Hills Conservancy.

(d) “Fund” means the Baldwin Hills Conservancy Fund created pursuant to subdivision (b) of Section 32574.

(e) “Nonprofit organization” means an exempt organization under Section 501(c)(3) of the Internal Revenue Code.

(f) “Territory” means the land in the Baldwin Hills area that is under the jurisdiction of the conservancy.

SEC. 2. Section 32555 of the Public Resources Code is amended to read:

32555. There is in the Resources Agency, the Baldwin Hills Conservancy, which is created for the following purposes:

(a) To acquire and manage public lands within the Baldwin Hills area, and to provide recreational, open space, wildlife habitat restoration and protection, and lands for educational uses within the area.

(b) To acquire lands for open space within the territory of the conservancy.

(c) To provide for the public’s enjoyment, and to enhance the recreational and educational experience on public lands in the territory in a manner consistent with the protection of lands and resources in the area.

SEC. 3. Section 32556 of the Public Resources Code is amended to read:

32556. (a) The board shall consist of 13 voting members and six nonvoting members.

(b) The 13 voting members of the board shall consist of the following:

(1) The Secretary of the Resources Agency, or his or her designee.

(2) The Director of Parks and Recreation, or his or her designee.

(3) The Director of Finance, or his or her designee.

(4) The Director of the Los Angeles County Department of Parks, or his or her designee.

(5) The member of the Los Angeles County Board of Supervisors within whose district the majority of the Baldwin Hills area is located.

(6) Six members of the public appointed by the Governor who are residents of Los Angeles County and who represent the diversity of the



community surrounding the Baldwin Hills area. Of those six members, four members shall be selected as follows:

(A) One member shall be a resident of Culver City selected from a list of three persons nominated by the city council.

(B) Three members shall be residents of the adjacent communities of Blair Hills, Ladera Heights, Baldwin Hills, Windsor Hills, Inglewood, View Park, or Baldwin Vista.

(7) A resident of Los Angeles County appointed by the Speaker of the Assembly, and a resident of Los Angeles County appointed by the Senate Committee on Rules.

(c) The six nonvoting members shall consist of the following:

(1) The Secretary of the California Environmental Protection Agency, or his or her designee.

(2) The Executive Officer of the State Coastal Conservancy, or his or her designee.

(3) The Executive Officer of the State Lands Commission, or his or her designee.

(4) An appointee of the Governor with experience in developing contaminated sites, commonly referred to as “brownfields.”

(5) The Executive Director of the Santa Monica Mountains Conservancy, or his or her designee.

(6) The Director of the Culver City Human Services Department, or his or her designee.

(d) A quorum shall consist of seven voting members of the board, and any action of the board affecting any matter before the board shall be decided by a majority vote of the voting members present, a quorum being present. However, the affirmative vote of at least four of the voting members of the board shall be required for the transaction of any business of the board.

(e) The board shall do all of the following:

(1) Study the potential environmental and recreational uses of Ballona Creek and the adjacent property described in subdivision (a) of Section 32553.

(2) Develop a proposed map for that area.

(3) Provide a report to the Legislature, on or before January 1, 2003, on the results of paragraphs (1) and (2).

SEC. 4. Section 32565 of the Public Resources Code is amended to read:

32565. The jurisdiction of the conservancy shall include only those lands or other areas that are donated to, or otherwise acquired by, or are operated by the conservancy, that are located in the Baldwin Hills area.

SEC. 5. Section 32565.5 of the Public Resources Code is amended to read:

32565.5. The conservancy shall do all of the following:

(a) Develop and coordinate an integrated program of resource stewardship so that the entire Baldwin Hills area is managed for optimum recreational and natural resource values based upon the needs and desires of the surrounding community.

(b) Establish policies and priorities within the Baldwin Hills area, and conduct any necessary planning activities in accordance with the purposes set forth in Section 32555.

(c) Give priority to related projects that create expanded opportunities that provide recreation, aesthetic improvement, and wildlife habitat in the Baldwin Hills area.

(d) Approve conservancy funded projects that advance the policies and proprieties set forth in this division.

(e) Enter into a memorandum of understanding with the Department of Parks and Recreation that would require the conservancy and the department to cooperate in the sharing of technical assistance, data, and information.

(f) Upon submission to the Legislature of the master plan required to be prepared pursuant to subdivisions (b) and (c) of Section 1 of Chapter 752 of the Statutes of 1999 by the Secretary of the Resources Agency and the Director of Parks and Recreation, the conservancy shall, by May 1, 2002, approve the master plan, and prioritize and implement both of the following in accordance with the master plan and with the master plan recommendations:

(1) The acquisition of additional recreational and open space and a plan for the management of lands under the jurisdiction of the conservancy, including additional or upgraded facilities and parks that may be necessary or desirable.

(2) The planned conveyance of lands acquired and restored, or lands acquired, restored, and developed, to the Department of Parks and Recreation or to any other public agency once the acquisition and improvements have been finalized. The transfer shall be subject to the approval of the Secretary of the Resources Agency. The secretary may require all lands and facilities subject to transfer to be repaired, replaced, or rehabilitated to a fully operable condition, prior to the transfer occurring.

(g) Any proposed operating agreement, or an amendment to an agreement, for the Kenneth Hahn State Recreation Area between the Department of Parks and Recreation and any local operating agency that would affect the conservancy shall be submitted to the conservancy at least 90 days prior to the proposed effective date of the agreement to enable the conservancy to provide input, as appropriate.



SEC. 6. Section 32567 of the Public Resources Code is amended to read:

32567. The conservancy shall determine acquisition priorities and may acquire real property or any interest in real property within the Baldwin Hills area from willing sellers and at fair market value or on other mutually acceptable terms, upon a finding that the acquisition is consistent with the purposes of the conservancy. The conservancy may acquire the property itself, or may coordinate the acquisition with other public agencies with appropriate responsibility and available funding or land to exchange. The overall objectives of the land acquisition program shall be to assist in accomplishing land transactions that are mutually beneficial to the landowners and the conservancy, and that meet the conservancy's purposes. Neither the conservancy nor the State Board of Public Works shall exercise the power of eminent domain for the purposes of this division. The conservancy shall have the first right of refusal to acquire, at the cost of acquisition, surplus public lands suitable for park and open space within the conservancy's territory, and may accept private or public lands offered for recreational trails.

SEC. 7. Section 32568 of the Public Resources Code is amended to read:

32568. (a) The conservancy may, within the Baldwin Hills area, undertake site improvement projects; regulate public access; revegetate and otherwise rehabilitate degraded areas, in consultation with other public agencies with appropriate jurisdiction and expertise; upgrade deteriorating facilities; and construct new facilities as needed for outdoor recreation, nature appreciation and interpretation, and natural resource protection. These projects shall be directed by the conservancy and undertaken by other public agencies, with the conservancy providing overall coordination through setting priorities for projects and assuring uniformity of approach.

(b) The conservancy shall not, under any circumstances, extend the road designated as "Stocker Street" to Overland Avenue or to any street within the boundaries of Culver City without the prior written approval of the city council.

SEC. 8. Section 32569 of the Public Resources Code is amended to read:

32569. (a) The conservancy may award grants to local public agencies, state agencies, federal agencies, and nonprofit organizations for the purposes of this division.

(b) Grants to nonprofit organizations for the acquisition of real property or interests in real property shall be subject to all of the following conditions:



(1) The conservancy may acquire property at fair market value and consistent with the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code), except that the acquisition price of lands acquired from public agencies may be based on the public agencies' cost to acquire the land.

(2) The conservancy shall approve the terms under which the interest in land is acquired.

(3) The interest in land acquired pursuant to a grant from the conservancy may not be used as security for any debt incurred by the nonprofit organization unless the conservancy approves the transaction.

(4) The transfer of land acquired pursuant to a grant shall be subject to the approval of the conservancy and the execution of an agreement between the conservancy and the transferee sufficient to protect the interests of the conservancy.

(5) The conservancy shall have a right of entry and power of termination in and over all interests in real property acquired with state funds, which may be exercised if any essential term or condition of the grant is violated.

(6) If the existence of the nonprofit organization is terminated for any reason, title to all interest in real property acquired with state funds shall immediately vest in the conservancy, except that, prior to that termination, another public agency or nonprofit organization may receive title to all or a portion of that interest in real property, by recording its acceptance of title, together with the conservancy's approval, in writing.

(c) Any deed or other instrument of conveyance whereby real property is acquired by a nonprofit organization pursuant to this section shall be recorded and shall set forth the executory interest or right of entry on the part of the conservancy.

SEC. 9. Section 32570 of the Public Resources Code is amended to read:

32570. (a) Notwithstanding any other provision of law, the conservancy may lease, rent, sell, exchange, or otherwise transfer any real property or interest therein or option acquired under this division to a local public agency, state agency, federal agency, nonprofit organization, individual, or other entity for management purposes pursuant to terms and conditions approved by the conservancy. The conservancy may request the Director of General Services to undertake these actions on its behalf.

(b) The conservancy may initiate, negotiate, and participate in agreements for the management of land under its ownership or control with local public agencies, state agencies, federal agencies, nonprofit

organizations, individuals, or other entities and may enter into any other agreements authorized by state or federal law.

SEC. 10. Section 32571 of the Public Resources Code is amended to read:

32571. (a) Local public agencies may enter into an agreement to transfer responsibility for the management of the land located within the Baldwin Hills area to the conservancy.

(b) Local public agencies shall retain exclusive authority over all zoning or land use regulations within their jurisdiction.

SEC. 11. Section 32574.5 of the Public Resources Code is repealed.

